THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No.26714 of 2006

22-12-2006

Between:-

Sadhana English Medium School Children,
Parents Association, Badvel, rep., by its
President S. Subrahmanyam.

Petitioner

And

The District Educational Officer,
Kadapa district, Kadapa and four others.

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 26714 of 2006

Oral order:

The petitioner, in substance, is aggrieved that the fifth respondent-school is not permitting its students through an existing eastern side gate for ingress and egress of its students. From the pleadings, it would appear that the fourth and fifth respondents – schools in Badvel town, Kadapa district -- had litigated in O.S.No.70 of 2005 filed by the fourth respondent-school and thereat entered into a compromise whereunder the fifth respondent-school management agreed to employ the gate on the western side of its school for ingress and egress to the said school, while the fourth respondent agreed to use the gate on the eastern side.

The petitioner states that the western side entry to

the fifth respondent's school is through a narrower road and there is also a drainage canal on western side and as a consequence, the students, (whose interests are propagated by the petitioner), are exposed to unhygienic environment. The petitioner contends that the conduct of the fifth respondent in entering into a compromise with the fourth respondent, whereby the ingress and egress to the fifth respondent's school is restricted through the eastern gate, is violative of Article 19(1)(d) of the Constitution of India.

The above contention is stated to be rejected. Neither the right of the petitioner-association nor of the students of the fifth respondent school to move freely either on the eastern road or on the western road, relative to the location of the fifth respondent, is curtailed. What is regulated by the fifth respondent school is the path of ingress and egress to the school only to the eastern side and such restriction is a consequence of a compromise entered into between the respondent Nos. 4 and 5. Such conduct *per se* does not involve any constitutional or fundamental right of the petitioner under Article 19(1)(d) of the Constitution, as alleged and claimed.

If the petitioner is aggrieved that there is an unhygienic environment on the eastern side, the petitioner may bring it to the notice of the local authority or in case of a grave unhygienic situation to petition the educational

authorities for issuing appropriate directives for shifting of the school or even closure of the educational institution on grounds of public interest and the interests of students. A Mandamus directing that the fifth respondent school should provide an entry for ingress and egress to the school on the eastern side, on the rubric of Article 19 of the Constitution of India is misconceived, as is the writ petition. The writ petition is accordingly dismissed. No costs.

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GODA RAGHURAM, J

Dated:22-12-2006
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